

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-13 and 15-17 are now pending in this application. Claim 13 is withdrawn from consideration. Claims 1 and 13 have been amended. Support for the amendment to claim 1 may be found on page 7, lines 10-13.

Applicants appreciate the courtesy extended by the examiner in conducting a telephone interview with the undersigned representative on December 20, 2004. The following issues were discussed.

Claims 1-12 and 15-17 have been rejected under 35 USC 112, ¶1 as failing to comply with the written description requirement. The examiner noted that page 7, lines 10-13 of the specification supports grain sizes between 0.1 and 100 nm, but not grain sizes below 100 nm.

In response, claim 1 has been amended according to the examiner's helpful suggestion to recite grain sizes between 0.1 and 100 nm, as provided on page 7, lines 10-13 of the specification. Applicants submit that this amendment overcomes the rejection.

During the interview, the examiner noted that this amendment would overcome the § 112, ¶ 1 rejection. However, the examiner noted that this amendment would raise a new issue and would not be entered if submitted as a response after final rejection. The examiner requested that this amendment be submitted together with a Request for Continuing Examination (RCE) to ensure entry of the amendment.

Claim 13 has been amended to recite a method which depends from claim 1. Since claim 13 is a dependent claim of the same type as claim 1, applicants submit that there is no additional burden on the examiner to examine this claim. Applicants respectfully request that claim 13 be rejoined with claim 1.

For informational purposes, applicants note that the U.S. priority applications for the three PCT applications WO 96/23906, WO 97/26214 and PCT/CA97/00324 (published as WO 97/43206) mentioned on pages 7 and 8 of the specification have issued as U.S. patents numbers 5,964,965; 5,906,792 and 5,882,623, respectively. During the interview, the examiner indicated that he thought that he considered these references during the examination, but requested that they be submitted on new Information Disclosure Statement together with the RCE just in case.

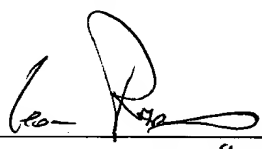
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 2/11/05

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

By   
Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479  
reg #43445